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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,¹
USA Capital Diversified Trust Deed Fund,
LLC,
USA Capital First Trust Deed Fund, LLC,²
USA Securities, LLC,³
Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**NOTICE OF ENTRY OF ORDER
SUSTAINING OBJECTION OF
USACM TRUST TO PROOF OF
CLAIM OF TERI MELVIN AS
FILED PARTIALLY IN WRONG
DEBTOR'S CASE; OBJECTION OF
DTDF TO PROPOSED
ALLOWANCE OF CLAIM**

PLEASE TAKE NOTICE that a Order Sustaining Objection of USACM Trust to Proof of Claim of Teri Melvin as Filed Partially in Wrong Debtor's Case; Objection of DTDF to Proposed Allowance of Claim [DE 7137] was entered on the 21st day of May, 2009, a true and correct copy of which is attached hereto as Exhibit 1.

RESPECTFULLY SUBMITTED May 22, 2009.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 RESPECTFULLY SUBMITTED May 21, 2009.

2
3 LEWIS AND ROCA LLP

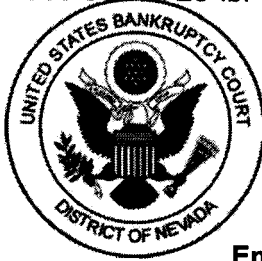
4
5 By /s/ John Hinderaker (#018024)
6 Rob Charles
7 John Hinderaker
8 *Attorneys for USACM Liquidating Trust*
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
702-949-8320

9 Copy of the foregoing mailed on May
10 21, 2009 to:

11 Teri Melvin
12 2704 Chokecherry Way
Henderson, NV 89014

13 /s/ Marilyn Schoenike
Lewis and Roca LLP

Exhibit 1



Entered on Docket
May 21, 2009

A handwritten signature in black ink, appearing to read "L. B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO PROOF OF CLAIM
OF TERI MELVIN AS FILED
PARTIALLY IN WRONG DEBTOR'S
CASE; OBJECTION OF DTDF TO
PROPOSED ALLOWANCE OF CLAIM**

Hearing Date: April 30, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the "Objection of USACM Trust to Proof of Claim of
2 Teri Melvin As Filed Partially in Wrong Debtor's Case; Objection of DTDF to Proposed
3 Allowance of Claim" [Docket No. 6963] (the "Objection"); with appropriate notice of the
4 Objection having been given; with no response to the Objection having been filed; and
5 good cause appearing:

6 **IT IS HEREBY ORDERED** that:

- 7 1. The Objection to Proof of Claim 10725-02421 is sustained;
- 8 2. \$192,189.29 of Melvin's \$613,561.41 claim against USACM is disallowed;
- 9 3. Any proposed allowance of Melvin's claim in the DTDF case is disallowed;
- 10 4. Melvin is allowed to retain an equity interest in DTDF in the amount of
11 \$192,189.29 as reflected in the books and records of DTDF as of April 13,
12 2006; and
- 13 5. Nothing in this order should prejudice the rights of USACM Trust to file
14 further objections to any portion of the claim.

15
16 PREPARED AND RESPECTFULLY SUBMITTED BY:

17 **LEWIS AND ROCA LLP**

18 By /s/ John Hinderaker (018024)
19 Rob Charles
John Hinderaker
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23 *Attorneys for USACM Liquidating Trust*
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26

LEWIS
AND
ROCA
LLP
LAWYERS

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1 APPROVED/DISAPPROVED

2
3 By: _____
4 August Landis
5 Assistant United States Trustee

6 APPROVED/DISAPPROVED

7
8 By: /s/ Claire Dossier
9 Claire Dossier
10 SNELL & WILMER, LLP
11 Attorneys for USA Capital Diversified Trust Deed Fund
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: Claire Dossier	
<input checked="" type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)

Rob Charles

John Hinderaker

Attorneys for USACM Liquidating Trust